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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,995	03/14/2005	Jean-Marc Wiederrecht	GLN-031US	4312
26003	7590	10/04/2005	EXAMINER	
VAN TASSEL AND ASSOCIATES POST OFFICE BOX 2928 BELLAIRE, TX 77402-2928			GOODWIN, JEANNE M	
			ART UNIT	PAPER NUMBER
			2841	
DATE MAILED: 10/04/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

EF

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/528,995	WIEDERRECHT ET AL.	
	Examiner	Art Unit	
	Jeanne-Marguerite Goodwin	2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on preliminary amendment filed 9/19/03.
- 2a) This action is FINAL.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 and 12-15 is/are rejected.
- 7) Claim(s) 6-12 and 16-25 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 September 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/19/2003.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-5 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 4,473,304 to Ketner in view of US Patent 3,029,592 to Bandi.

**As per claim 1:** Ketner discloses watch movement comprising an annular frame (12), of external diameter D, provided with a round central opening (16) defined by an internal diameter d. and, borne by said frame (12): an energy source (col. 3, lines 66-68), a work train (34, 36 and 38), a motion work train (22 and 24) arranged to bear analog time display means (22' and 24'), and correcting means (32) for the display means (22' and 24').

**As per claim 1:** Ketner does not necessarily disclose a time base and a counting device, however, it is inherent that Ketner's watch would inherently contain such elements for the proper operations of the watch. Furthermore, Ketner does not go into detail about the particular elements that are contained in the motion work train. Ketner discloses all subject matter claimed by applicant with the exception of the limitation stated in claim 1, i.e., the motion work train and comprises a motion work mobile containing a wheel and a pinion, a cannon pinion driven by the motion work pinion and intended to bear a minute hand and wheel driven by the motion work pinion and intended to bear an hour hand, in that the cannon pinion and the hour wheel are concentric to the frame and have a central opening substantially equal to, and in that the motion

work wheel has a diameter slightly less than  $(D-d)/2$ . Bandi discloses a timepiece comprising a spring barrel (energy source), a balance wheel (time base), an escape wheel and pinion (counting device), a motion work train comprises a motion work mobile containing a wheel and a pinion, a cannon pinion driven by the motion work pinion and intended to bear a minute hand and wheel driven by the motion work pinion and intended to bear an hour hand, in that the cannon pinion and the hour wheel are concentric to the frame (col. 1, lines 10-57). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the motion work, as taught by Ketner, by the motion work arrangement, as taught by Bandi, since both are alternative types of motion work trains which will provide the same function, if one is replaced with the other, driving the time indicators. Furthermore, when Ketner is modify with Bandi, with Ketner still having his motion work located on the peripheral of the frame, the motion work wheel will have a diameter slightly less than  $(D-d/2)$  in order to fit in the frame, respectively.

**As per claim 2:** Ketner discloses all subject matter claimed by applicant with the exception of the limitation stated in claim 2, i.e., characterized in that the work train contains a first mobile provided with a spindle on which the motion work mobile is friction-mounted. Bandi discloses a motion work train containing a first mobile provided a spindle on which the motion work mobile (col. 1, lines 40-44). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to add the mobile/spindle arrangement, as taught by Bandi, to the watch of Ketner, in order to drive the time indicators, respectively.

**As per claims 3 and 13:** Ketner does not directly disclose the particular arrangement of the correcting means (32) and the display means. Official Notice is taken with respect to the particular arrangement since it is very well known in the timepiece art that the correcting means (stem) for a display means comprises at least one gear mating directly with a cannon pinion in order to be able to correct the time accordingly. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to add the correcting means/display arrangement, to the watch of Ketner, in order to appropriately make corrections to the time indicators, respectively.

**As per claims 4, 14 and 15:** Ketner's mobiles of the work train (34, 36 and 38) have their rotation axes substantially disposed on a circle (C) of diameter equal to  $(D+d/2)$ .

**As per claim 5:** Ketner discloses all subject matter claimed by applicant with the exception of the limitation stated in claim 5, i.e., the energy source is mechanical, formed by a barrel, the time base is a balance, the counting device is an escapement, the barrel and the balance pivoting on axes substantially disposed on said circle (C). Bandi discloses a watch comprising a mechanical energy source formed by a barrel, the time base is a balance, the counting device is an escapement, the barrel and the balance pivoting on axes substantially disposed on a circle (C). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to add barrel/balance/escapement arrangement, as taught by Bandi, to watch of Ketner, in order to indicate time, respectively.

*Allowable Subject Matter*

3. Claims 6-12 and 16-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter:

The reference the combination of Ketner and Bandi shows a timepiece as described above. Applicant's claimed invention comprises additionally a date-display means disposed on the side opposite the dial, comprising two display disks, one for the tens, the other for units, the date appearing in the center opening as stated in claims 6 and 16-19, further Applicant's claimed invention comprises the cannon pinion being positioned in the central opening such as to be able to rotate freely as stated in claims 7 and 20-24. Furthermore, the combination of Ketner and Bandi do not have such an arrangement and there seems to be no motivation to modify the device shown in the combination of Kenter and Bandi to accommodate such arrangement.

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 disclose related devices. US Patent 2,636,283 to Dinstman discloses a watch having a compass located in the center; US Patent 2,852,908 to Stern et al. discloses a timepiece having gearing on the peripheral of the housing; US Patent 6,052,338 to Shevins discloses a ornamental wristwatch; and US Patent 4,525,007 to Ketner discloses gearing on the peripheral of the housing.

Art Unit: 2841

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Jeanne-Marguerite Goodwin whose telephone number is (571) 272-2104. The examiner can normally be reached on Monday-Friday (9am-6pm), alternate Fridays off. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2861.

JMG  
Sept. 30, 2005



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